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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

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10 UNITED STATES OF AMERICA,)
11 Plaintiff,) 2:15-cr-00102-KJD-PAL
12 vs.) STIPULATION AND CONSENT TO
ROSHERRAL BEVERLY,) DISCLOSE UNREDACTED DISCOVERY
13) TO THE DEFENDANT AND DEFENSE
Defendant.) COUNSEL
14)
15)

16 **STIPULATION**

17 The United States and Defendant in this case, through her undersigned counsel, hereby
enter into this stipulation and agree as follows:

18 1. The United States will produce to Defendant's counsel of record in this case
discovery containing sensitive financial, personal, and tax information of third parties, which
20 may include, but are not limited to, the following types of documents: (a) federal tax returns, (b)
21 IRS transcripts of accounts, (c) IRS memoranda of interview, and (d) IRS reports and/or related
22 spreadsheets. The production of such material is subject to the conditions set forth in the
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following paragraphs, and the parties also understand and agree that the term "third party" means any individual or entity other Defendant Rosherral Beverly.

2. Defendant and Defendant's counsel of record shall not disclose any documents or information produced by the United States in the discovery process of this case, including documents and records that contain financial, personal, or tax information of any third party, to anyone in this case, except to Defendant, defense witnesses, defense experts or investigators retained in this case, or defense staff working on the case, absent further agreement by the parties.

3. The documents and information provided in the discovery process, and as referenced above, shall only be used to prepare and evaluate the defense in this case. The materials provided to defense counsel pursuant to this stipulation, and any copies thereof, shall be returned to the United States, unless otherwise agreed upon by the parties, or at the occurrence of the last of the following events: (a) the completion of all appeals, (b) habeas corpus proceedings or other post-conviction proceedings, (c) the conclusion of the sentencing hearing, or (d) an earlier resolution of the charges against Defendant.

4. Defense counsel and staff, Defendant, defense witnesses, defense experts and investigators in this case shall retain possession and/or custody of the documents and information provided in discovery at all times.

5. Any documents provided in the discovery process of this case are being provided pursuant federal statutes and federal rules, including Rule 16 of the Federal Rules of Criminal Procedure. The disclosure of any “tax return” or “tax return information,” as defined pursuant to Title 26 U.S.C. § 6103, by the United States is also authorized as set forth in Title 26 U.S.C.

1 § 6103(h)(4)(D), which allows a prosecutor to produce “tax return” and “tax return information”
2 when ordered to do so by a court to meet a prosecutor’s discovery obligations. Accordingly, the
3 disclosure of “tax return” and “tax return information” is required for the United States to
4 comply with its discovery obligations under Federal Rule of Criminal Procedure 16, the Jencks
5 Act, and/or *Brady v. Maryland*, 373 U.S. 83 (1963), and *Giglio v. United States*, 405 U.S. 150
6 (1972). The disclosure of such tax material is authorized and agreed pursuant to this stipulation.

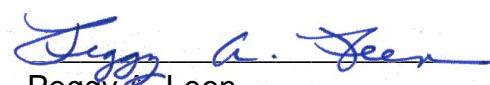
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8 NICHOLAS D. DICKINSON
9 Assistant United States Attorney

10 /s/ *Nicholas D. Dickinson*
Dated: April 30, 2015

MARK B. BAILUS, ESQ.
Counsel for Defendant

/s/ *Mark B. Bailus*
Dated: April 30, 2015

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14 IT IS SO ORDERED this 6th
15 day of May, 2015.

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17 Peggy A. Leen
18 United States Magistrate Judge